



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/490,680 01/24/00 MONSON

R 5360

EXAMINER

PM82/0907

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SY.H

ART UNIT

PAPER NUMBER

3632

DATE MAILED:

09/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/490,680

Applicant(s)

MONSON ET AL.

Examiner

Holly Sy

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 and 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

This is the first office action for application number 09/490,680, User Coupled Workspace Shock Isolation System, filed on January 24, 2000.

Election/Restrictions

Claims 1-7 and 18-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 4.

Applicant's election with traverse of a shock isolation system in Paper No. 4 is acknowledged. The traversal is on the ground(s) that all claims appear to be appropriate for class 248. This is not found persuasive.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "10" has been used to designate both a "deck" and "equipment platform". Correction is required. See Also objections to the specifications.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned on page 7, lines 15-17 of the description: M1 and M2. Correction is required.

Specification

The disclosure is objected to because of the following informalities:

1. page 2, line 1, both the title of the invention and ---BACKGROUND OF

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THE INVENTION--- should be inserted as headings on separate lines

preceding the heading "FIELD OF THE INVENTION",

2. page 2 ,line 6, "BACKGROUND OF THE INVENTION" should be replaced with ---DESCRIPTION OF THE RELATED ART---,
3. page 3, line 1, "g" should be spelled out, and
4. page 4, line 1, should be deleted.

Appropriate correction is required.

The disclosure is objected to because reference character "10" has been used to designate both a "deck" and "equipment platform" on page 5, line 23 and page 7, lines 17-18 respectively. Correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 10, line 1, recites that an "operator station includes a foot deck." Page 9,line 2 of the specification states a "platform 40 comprising a foot deck 41". The specification is not enabling for claim 10 because it discloses a platform having a foot deck and not the actual operator station including a foot deck. Examiner

believes applicant intended to claim a platform having a foot deck and will examine the claim accordingly. Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-13 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,277,584 to DeGroat et al. Claim 10, as best understood, is rejected because DeGroat et al. discloses a shock-isolation system S including a unitary metal platform 12,23 with an operator station 21 thereon, a first mounting member (which is the parts of 23 supporting 25) and a shock mount 10,16,18,34,36,38-39,40-43 wherein the system is only supported by the shock mount (note Fig. 2). See *also* DeGroat et al. column 6, lines 24-29.

DeGroat also discloses that the platform includes a foot deck which is the area of platform located between the operator station 21 and first mounting member (note Fig. 1). Furthermore, DeGroat et al. discloses that the platform includes an upright wall (which is the wall of 23 that extends upward from 12 and supports 54) having the first mounting member (note Fig. 2). Finally, DeGroat et al. discloses that the shock mount provides vibration damping, isolates the operator station and platform from shock and vibration, and dampens vibration and shock.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeGroat et al. DeGroat et al. Discloses the invention substantially as claimed and as applied to the claims above. However, DeGroat et al. does not disclose that the unitary platform has a surface area of about 20 to 30 square feet. It is common knowledge in the prior art to have made a platform with a surface area of about 20 to 30 feet for the purpose of supporting various size objects thereon. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the DeGroat et al. platform with a surface area of about 20 to 30 feet in order to support a larger size operator station and other various sized structures.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 4,121,393 to Renault et al.

U.S. patent 4,565,039 to Oguro et al.

U.S. Patent 5,601,433 to Potter et al.


U.S. patent 5,716,037 to Haak


The above patents disclose various types of isolation systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Holly Sy whose telephone number is (703) 605-1183. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on (703) 308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Holly Sy
Patent Examiner
Technology Center 3600
Art Unit 3632
September 4, 2001


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER